

IMPORTANT NOTICE FOR LICENSEES SUBJECT TO
CATEGORY 1 AND CATEGORY 2 QUANTITIES OF RADIOACTIVE MATERIAL
(formerly INCREASED CONTROLS)

Effective **March 1, 2016**, the Increased Controls required by Title 25, Texas Administrative Code (TAC), §289.252(ii) and the Fingerprinting Order imposed by license condition will be replaced with new language detailed in the rule text posted at:

<http://www.dshs.state.tx.us/radiation/ram/laws-rules.aspx>

The Department of State Health Services, Radiation Program, offers the following documents to help you implement the new requirements which are effective **March 1, 2016**.

Checklist to track your progress in implementing the new requirements:

[Title 25 TAC §289.252\(ii\) Checklist](#) (PDF, 281KB)

Guidance documents published by the U.S. Nuclear Regulatory Commission (NRC):

www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr2155/

www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr2166/

A cross-reference document between the agency/TAC rules and the NRC's Part 37 rule:

[Title 25 TAC §289.252\(ii\) to NRC 10 CFR Part 37 Abbreviated Cross Reference](#) (PDF, 420KB)

Please note that the amended rules require fingerprinting and criminal history records checks to be repeated every 10 years. Licensees with employees who were fingerprinted at least 10 years ago should begin the fingerprinting process without delay, to ensure compliance with the **March 1, 2016**, implementation date.

QUESTIONS?

Please contact Policy, Standards and Quality Assurance at (512) 834-6770

Background:

On March 19, 2013, the NRC published in the Federal Register (Vol. 78, No. 53) the new 10 CFR Part 37 “Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material”. These rules superseded and codified the previous Increased Controls and the Fingerprint Order. The State of Texas, as an Agreement State, is required to adopt these rules to maintain uniformity of security rules. The advantage of adopting these rules is twofold. One, it makes the requirements of the security measures explicit and performance based. Secondly, it provides a consistency of the rules with those used across the nation.

SPECIAL NOTE: As a licensee, if you are uncertain whether or not you are subject to the increased control requirements now referred to as the physical protection of Category 1 and Category 2 quantities of radioactive material, select the pdf link for §289.252, and go to (jj)(9) starting on page 252-103. The Category 1 and Category 2 Radioactive Material Thresholds table can be utilized to make that determination. <http://www.dshs.state.tx.us/radiation/ram/laws-rules.aspx>